

REMARKS

Applicants reply to the Final Office Action dated April 3, 2007, within two months. Thus Applicants request an Advisory Action, if necessary. Claims 1, 3-5, 39, and 40 were pending in the application and the Examiner rejects claims 1, 3-5, 39, and 40. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Applicants assert that the application is in condition for allowance and reconsideration of the pending claims is requested.

Rejections Under 35 U.S.C. § 112

The Examiner rejects claims 1, 3-5, 39 and 40 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserts that, “[t]he claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention” (page 4, item 4).

The Examiner asserts that Applicants’ originally filed Specification does not disclose *receiving a digital certificate read by a card reader system and authenticating that a smartcard was read by the card reader system*. Applicants note that in regard to receiving and processing the digital certificate, the Specification provides adequate support which discloses the following:

“A user is provided with an intelligent token, such as a smart card containing a digital certificate. The intelligent token suitably authenticates with a wallet server on a network that conducts all or portions of the transaction on behalf of the user”
(Abstract)

However, to expedite prosecution, Applicants amend independent claims 1, 39, and 40 to more clearly and accurately recite the authentication of smartcard information to facilitate a purchase transaction from a wallet server.

Claims 3-5 depend from independent claim 1 and include all of the elements thereof. Therefore, Applicants submit that claims 3-5 are allowable for at least the same reasons as set forth above, as well as in view of their own respective features.

The Examiner rejects claims 1, 3-5, 39 and 40 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserts that, “[c]laims 1, 39, and 40 recite ‘a digital certificate... configured’, however, to one of ordinary skill a digital

certificate is data and not a physical structure, hence it is not configurable” (page 5, item 6). Applicants respectfully disagree, however, to expedite prosecution; Applicants amend claims 1, 39, and 40 to recite a smartcard that comprises a “digital certificate uniquely identifying said smartcard.”

Claims 3-5 depend from independent claim 1 and include all of the elements thereof. Therefore, Applicants submit that claims 3-5 are allowable for at least the same reasons as set forth above, as well as in view of their own respective features.

Rejections Under 35 U.S.C. § 103

The Examiner rejects claims 1, 3-5, 39 and 40 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,327,578 issued to Linehan ("Linehan"). Applicants respectfully traverse these rejections. In light of the forgoing amendments, Applicants respectfully request the Examiner to consider the following arguments which were not given weight due to the Examiner's 35 U.S.C. § 112 rejections.

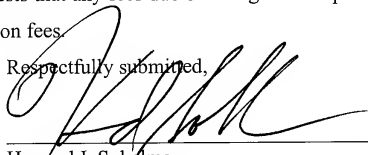
In making the rejection, the Examiner characterizes Linehan as essentially showing each of the elements of claims 1 and 40 in the instance when, by coincidence, a merchant and a user share the same bank or financial institution. The networks disclosed in Linehan send “from a consumer's computer a start message over an internet to a merchant's computer” (Linehan, Column 4, lines 10-12). “The merchant's computer then replies to the consumer's computer with a merchant message including a wallet initiation message, a merchant digital signature, and a digital certificate from an acquiring bank” (Id., lines 12-16). The consumer's wallet program is then started in the consumer's computer in response to the wallet initiation message. “The consumer's computer then sends over the internet network some consumer identity and authentication information, such as a userid and user password, plus the merchant message, to an issuer gateway operating on behalf of an issuing bank” (Linehan, Column 4, lines 19-23). Thus, in Linehan, a user inputs his/her user ID and user password for identification for authentication purposes. Linehan does not disclose or suggest reading data directly from, or a card reader system physically interfacing with, a debit card, a credit card, a charge card, or a smart card to verify that the consumer is in actual possession of the debit card, credit card, charge card, or smart card. As such, Linehan does not disclose or suggest at least, “prompting said user to physically interface a smartcard with a card reader system, wherein said smartcard comprises smartcard information including a digital certificate uniquely identifying said smartcard,” and

“receiving said smartcard information from a computer coupled to said card reader system,” and “authenticating said smartcard information,” as similarly recited by independent claims 1, 39, and 40.

Claims 3-5 depend from independent claim 1 and include all of the elements thereof. Therefore, Applicants submit that claims 3-5 are differentiated from the cited reference for at least the same reasons as set forth above, as well as in view of their own respective features.

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. Attorney for Applicants authorizes and respectfully requests that any fees due be charged to Deposit Account No. 19-2814, including any required extension fees.

Respectfully submitted,



Howard I. Sobelman
Reg. No. 39,038

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SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6228
Fax: 602-382-6070
Email: hsobelman@swlaw.com